

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

CIVIL NO. 1:06cv211

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
\$38,870.00 in UNITED STATES)
CURRENCY)
)
Defendant.)

**ORDER AND WARRANT
FOR ARREST *IN REM***

**TO: THE UNITED STATES MARSHAL, WESTERN DISTRICT OF NORTH
CAROLINA, AND ANY OTHER AUTHORIZED PERSON**

WHEREAS, on the 13th day of July, 2006, the United States of America filed a verified Complaint for forfeiture *in rem* against the defendant property as specified in Paragraph Five of that Complaint; and,

WHEREAS, the Court is satisfied that grounds exist for issuance of an order and/or a warrant for arrest *in rem* since, based on the verified Complaint filed in support of the request for this warrant, there is probable cause to believe that defendant property is forfeitable because of its involvement in, use, intended use, or proceeds of violation of the laws specified in the complaint.

NOW, THEREFORE, you are hereby commanded to arrest, attach, and take into your possession the defendant personal property as specified in Paragraph Five of that Complaint, and to detain the same in your custody until further order of this Court.

YOU ARE HEREBY further commanded forthwith to serve a copy of the Complaint herein upon the owner and/or possessor of, and all persons known to claim an interest in, the defendant property, and to cite and admonish all such persons knowing or having anything to say why the defendant property should not be forfeited and disposed of pursuant to the prayer of the complaint, to appear, by attorney or in person, before the District Court at the Clerk's Office thereof in Asheville, North Carolina, not later than thirty (30) days after service of the complaint or, as applicable, not later than 30 days after publication of notice of the filing of the complaint, then and there to interpose in writing a verified claim or statement of interest, and therewith or thereafter an answer to the complaint filed herein within twenty (20) days following such a claim or statement; that all such persons must ensure that any verified claim or statement and answer must comply with all other requirements of Rule C(6) of the Supplemental Rules for Certain Admiralty and Maritime Claims, Title 28, United States Code Appendix, and of 18 U.S.C §983 and 19 U.S.C. §§1602 et seq., and must be served upon the attorney for plaintiff herein, Thomas R. Ascik, Assistant United States Attorney, 100 Otis Street, Asheville, North Carolina, 28801. In addition to or in lieu of filing a claim or statement of interest, any person may assert an interest in the defendant property by submitting a Petition for Remission or Mitigation of the forfeiture pursuant to 28 C.F.R. Part 9.

YOU ARE HEREBY further commanded, should the defendant property not be released within ten (10) days after the execution of process under appropriate order of this Court, forthwith to cause the publication of Public Notice, pursuant to Standing Order of the District Court of the Western District of North Carolina 3:05MC302-C, once in *The Shelby Star*, Shelby, North Carolina, a newspaper having a general circulation in the

county in which the property is to be seized. The Public Notice will be provided by the United States Attorney.

AND HOW you shall have executed this writ make known to this Court with your certificate of execution thereof written.

Signed: August 24, 2006

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

